IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

Thursday, the Twenty Sixth Day of August, Two Thousand and Four

Present :

The Hon'ble Mr.Justice J.CHELAMESWAR

W.P.No.9996 of 1995

Between :

1. M.R.Tagore,

S/o M.V.Subba Rao,

Aged : About 48 years,

Tradesman-B, ZOP

2. V.B.Raju, S/o V.S.R.Raj,

Aged : About 58 years,

Tradesman, Control Lab

3. C.Laxminarayana,

S/o G.Siddaiah,

Aged : About 45 years,

Tradesman, ZSP

4. Pitchaiah, S/o M.Raghavulu,

Aged : About 38 years,

Draftsman, Workshop

All are employees of NFC, Nuclear Fuel Complex, ECIL Post, Hyderabad – 62 .. Petitioners

And

1. The Government of Andhra Pradesh

represented by the District Collector,

Ranga Reddy District, Hyderabad

2. The Registrar of Cooperative Societies,

Andhra Pradesh, Hyderabad

3. The Divisional Cooperative Officer,

Hyderabad East Division,

R.R.District, Hyderabad

4. The Manager (P&A),

Nuclear Fuel Complex,

ECIL Post, Hyderabad – 62

5. The Manager,

State Bank of India, NFC Branch,

ECIL Post, Hyderabad – 62

6. The Nuclear Fuel Complex Employees

Cooperative Credit Society, (TB.88) Ltd.,

Represented by the Adhoc Committee/

Enquiry Committee, NFC, ECIL Post,

Hyderabad – 62

7. Industrial Relations Officer,

Nuclear Fuel Complex, ECIL Post,

Hyderabad – 500 062 .. Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction particularly one in the nature of WRIT OF MANDAMUS, declaring that the petitioners are entitled for the payment of their full salary without the deductions of Credit Society installments in the present conditions of the said Credit Society and directing the respondent-Nuclear Fuel Complex Management not to recover credit society installments from the monthly salary of the petitioners for the months of March, April and May, 1995 onwards and return the moneys due to them in this regard forthwith.

Counsel for the petitioners : Mr.G.V.L.N.Murthy

Counsel for the respondents No.1 to 3 : Govt. Pleader for Cooperation.

Counsel for the respondent No.5 : Mr.K.Mohan.

Counsel for the respondent No.6 : Mr.M.C.Mareppa.

Counsel for the respondents No.4 and7 : None appeared.

The Court made the following **ORDER :**

The writ petition is filed with the prayer as follows :

> "For the reasons stated in the accompanying affidavit, the petitioners pray that this Hon'ble Court may be pleased t o issue an appropriate Writ, order or direction particularly one in the nature of WRIT OF MANDAMUS, declaring that the petitioners are entitled for the payment of their full salary without the deductions of Credit Society instalments in the present conditions of the said Credit Society and directing the respondent-Nuclear Fuel Complex Management not to recover credit society instalments from the monthly salary of the petitioners for the months of March, April and May, 1995 onwards and return the moneys due to them in this regard forthwith and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The petitioners are employees of Nuclear Fuel Complex. They established a cooperative society with the object of providing loans to its members for the purpose of purchasing vehicles on the basis of hire purchase and it appears that (though it is not very specific in the affidavit) that there was an arrangement between the society and the employer to the effect that the employer would deduct certain amounts from the salaries payable to the employees who had availed the loan facility and purchased the vehicles on hire purchase basis and make payment of the same to the financier.

For the various reasons mentioned in the affidavit filed in support of the writ petition, the details of which are not necessary for the purpose of disposal of this writ petition, the petitioners submit that the employer is not entitled to deduct any amount while making payments of the salaries. Strangely, in the affidavit there is no allegation whatsoever to the effect that any one of the petitioners had purchased vehicle on hire purchase basis nor any allegation or information regarding any deductions that are being made by the employer from out of the salaries of the petitioners.

In the circumstances, in my view, there is no cause of action for the writ petition and the same is dismissed.

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knk 26.8.2004

To

1. The District Collector,

Ranga Reddy District, Government A.P,Hyderabad.

2. The Registrar of Cooperative Societies,

Andhra Pradesh, Hyderabad

3. The Divisional Cooperative Officer,

Hyderabad East Division,

R.R.District, Hyderabad

4. The Manager (P&A),

Nuclear Fuel Complex,

ECIL Post, Hyderabad – 62

5. The Manager,

State Bank of India, NFC Branch,

ECIL Post, Hyderabad – 62

6. The Adhoc Committee/

Enquiry Committee, The Nuclear Fuel Complex Employees

Cooperative Credit Society, (TB.88) Ltd.,

Represented by NFC, ECIL Post,

Hyderabad – 62

7. Industrial Relations Officer,

Nuclear Fuel Complex, ECIL Post,

Hyderabad – 500 062

8. Two CCs to the G.P. for Cooperation, High Court Buildings, Hyd(OUT).

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